

POINTS BASED SYSTEM

GOVERNING BODY ENDORSEMENT REQUIREMENTS FOR FEMALE PLAYERS

Introduction

This document explains the criteria for football clubs to become Sponsors and obtain a Governing Body Endorsement (“**GBE**”) for female professional or semi-professional players under Tiers 2 and 5 of the Home Office Points Based System (“**PBS**”) for part of the 2020/2021 season and will be effective from 17th June 2020 through to 31 December 2020. The criteria will be reviewed during the first half of the season with the new GBE following the end of the UK’s transition for exiting the European Union to be issued for 1st January 2021.

Background

Paragraph six of the Home Office Immigration rules defines an amateur as a person who engages in a sport or creative activity, solely for personal enjoyment. The Home Office views playing football at a non-amateur level (professional or semi-professional) as not being solely for personal enjoyment.

As Clubs in the Women’s Super League and the Women’s Championship pay some or all of their players, they are deemed to be professional or semi-professional. This means that any non-EEA player coming to the UK to play in these leagues, whether they are going to be paid or not, are likely to be viewed as coming to the UK to play professional football by the Home Office and would therefore need permission to do so under its Points Based System.

Governing Body Endorsements will be issued to internationally established players of the highest calibre who are able to make a significant contribution in footballing terms to the development of the women’s game at the highest level in England.

Please note that, based on the current transition timetable between the United Kingdom and the EU, The FA expects Exceptions Panels and the ability to request them, to be removed as of the winter transfer window of the 2020/21 season. This will be kept under review and reflected, as appropriate, in the revised criteria.

Consultation

The following criteria have been agreed by the Home Office following consultation between the FA, the PFA, the Women’s Super League, and the Women’s Championship.

Glossary

Aggregated FIFA Women's World Rankings means the FIFA Women's World Rankings for senior women's international teams, aggregated across a preceding two year period and published by the FA.

Competitive International Matches means any match player in the following tournaments:

- FIFA Women's World Cup Finals and Qualifying Groups;
- UEFA Women's Championships and Qualifiers;
- African Championship for Women and Qualifiers;
- Asian Women's Championships and Qualifiers;
- CONCACAF Women's Gold Cup;
- CONMEBOL Women's Championships and Qualifiers;
- Olympic Football Tournament Women's Finals.
- OFC
- Olympic Qualifying (Asia, Africa and CONCACAF)

Reference Period means the twenty four (24) month period immediately preceding the date of the application for a GBE.

Required Percentage means:

- for National Associations ranked between 1 and 5 of the Aggregated FIFA World Rankings, [70]% and above;
- for National Associations ranked between 6 and 10 of the Aggregated FIFA World Rankings, [70]% and above;
- for National Associations ranked between 11 and 15 of the Aggregated FIFA World Rankings, [75]% and above; and
- for National Associations ranked between 16 and 40 of the Aggregated FIFA World Rankings, [75]% and above.

Unavailable for Selection means the player was not available to play due to injury or suspension and written evidence supporting this, setting out the games missed and the reason(s), has been provided by the player's National Association or club doctor to The FA. For the avoidance of doubt, a player may not be classed as injured (and therefore Unavailable for Selection) if she was listed as a substitute in a match and was not used. Such matches may be counted as non-appearances when calculating the Required Percentage.

1. GENERAL

1.1. Eligibility to become a Sponsor

In order to apply for a Governing Body Endorsement from The FA, an applicant club must hold a Sponsor's licence under Tier 2 and/or Tier 5 of the PBS and thereby be eligible to assign Certificates of Sponsorship.

To be eligible to become a Sponsor and issue Certificates of Sponsorship a club must be in membership of the Women's Super League or the Women's Championship. A Sponsor's licence issued under Tier 2 or Tier 5 is valid for a period of 4 years, after which time it may be renewed. Clubs should note that a Sponsor's licence may be revoked at any time if the Sponsor is seen to be failing in its compliance with its duties. Where a Sponsor's licence is revoked, a player's leave may be curtailed. This means that a player must make a change of employment application if he wishes to remain in the UK.

1.2. Certificates of Sponsorship

A Certificate of Sponsorship may be assigned to a player by the club once The FA has confirmed that the application on behalf of the player has satisfied the requirements for a GBE. Any Certificate of Sponsorship assigned to a player must be submitted to The FA by the applicant club.

1.3. Length of season

For the purposes of PBS, the playing season for this sport is from September to May. This may vary slightly from season to season depending on the arrangement of the first and last matches.

1.4. Period of Validity

A club can apply for a Governing Body Endorsement at any time during the season and any application will be considered against the criteria set out below. Clubs should take into consideration the fact that a Governing Body Endorsement for a player, once issued, must be presented to the Home Office as part of an application for entry clearance or leave within three months of a Certificate of Sponsorship being assigned to a player. A new Governing Body Endorsement will be required if the previous Governing Body Endorsement has expired.

2. OBTAINING A GOVERNING BODY ENDORSEMENT UNDER THE PBS

2.1. Criteria under which a Governing Body Endorsement will automatically be granted

The applicant club must be able to show that, during the Reference Period:

- 2.1.1. a player has participated in the Required Percentage of Competitive International Matches; and

- 2.1.2. her National Association has a ranking of 40 or higher in the Aggregated FIFA Women's World Rankings.

2.2. Establishing that a player has participated in a certain percentage of Competitive International Matches

Where a club is required to show that a player has participated in a certain percentage of Competitive International Matches for the purposes of an application, the following shall apply:

- 2.2.1. The applicant club must provide written confirmation of the player's international appearance record over the preceding two years setting out all matches in which the player:

- took part;
- was Unavailable for Selection; and
- did not take part but was not Unavailable for Selection.

This written confirmation should be obtained from the player's National Association. If this is not possible, the applicant club should inform The FA who will seek to independently verify the information through available sources. The responsibility lies with the applicant club to provide this information where it is able to do so. A decision will not be made until this process has been completed and any relevant supporting evidence is submitted.

- 2.2.2. In calculating the Required Percentage, any Competitive International Matches for which the player was Unavailable for Selection will be excluded.

- 2.2.3. If less than 30% of a National Association's matches during the Reference Period are Competitive International Matches, friendly matches will be included in the calculation.

2.3. Exceptions Panel

If a player does not meet the criteria at paragraph 2.1 above, an applicant club may request an Exceptions Panel to consider the player's skills and experience to determine whether a Governing Body Endorsement should nevertheless be granted.

The applicant club must make the request for an Exceptions Panel to the Player Status Department at The FA, which will then appoint an Exceptions Panel in accordance with the below. Clubs should ensure that all evidence that they want to be considered in respect of the player is submitted in writing ahead of the determination by the Exceptions Panel.

- 2.3.1. The Exceptions Panel will be made up of three (3) members who will be appointed by The FA.

- 2.3.2. The three (3) member Exceptions Panel will be constituted as follows:

- 2.3.2.1. an independent, legally qualified Chair ("**Chair**"); and
- 2.3.2.2. two (2) additional independent panel members having relevant experience at the top level of the game ("**Independent Members**"),

(who shall together be referred to as the "**Panel Members**").

2.3.3. No individual who would objectively be considered to have a current association with the applicant club will be appointed to the Exceptions Panel.

2.3.4. In the event that a Panel Member(s) considers there to be an actual or perceived conflict of interest (whether or not an objection is raised by the applicant club) on the part of a Panel Member(s) (which for the avoidance of doubt can include themselves) where:

- 2.3.4.1. this relates to an Independent Member(s), the Panel Member(s) must declare this to the Chair; and
- 2.3.4.2. this relates to the Chair, this must be declared to The FA.

In either case, this must be declared at the earliest opportunity and, in any event, in advance of determination of the case.

2.3.5. The applicant club will be informed of the membership of the Exceptions Panel at the earliest opportunity in advance of the Exceptions Panel sitting to decide the case. An applicant club may challenge the appointment of any Panel Member if circumstances exist which give rise to an actual or perceived conflict of interest on the part of that Panel Member. If a club intends to challenge the appointment of a Panel Member, the club must declare this at the earliest opportunity and, in any event, before the Exceptions Panel sits to determine the player's application.

2.3.6. Where the actual or perceived conflict under either 2.2.4 or 2.2.5 above relates to an Independent Member(s), the Chair will determine in his absolute discretion whether the relevant Independent Member(s) should be excluded from participating in the panel hearing and voting on the application. If the Chair decides in his absolute discretion that the Independent Member(s) cannot participate, the Chair will notify The FA of this and The FA will appoint a replacement Independent Member(s) who may also be challenged if there is a perceived or actual conflict of interest.

2.3.7. Where the actual or perceived conflict under either 2.2.4 or 2.2.5 above relates to the Chair, The FA will determine whether the Chair is eligible to participate and vote. If The FA determines that the Chair cannot participate, The FA will appoint a replacement Chair.

The Exceptions Panel will consider, based on the applicant club's written evidence, whether the player is of the highest calibre and able to contribute significantly to the development of the women's game at the top level in England.

Clubs should note that, in respect of any application, there will only be **one** panel available (i.e. a panel and recommendation, followed by a decision). If the club has previously made an application that was unsuccessful following a decision of the Exceptions Panel, a further Exceptions Panel **cannot** be requested by the club for the same player within four months of the original Exceptions Panel date.

2.4. Other requirements of the PBS

Please note that, in order to secure leave to remain under Tiers 2 and 5 of the PBS, in addition to securing a GBE and being assigned with a Certificate of Sponsorship, an individual will also have to meet any other criteria as set by the Home Office. For example, applications under Tier 2 will have to be supported by evidence that the player has met the English language requirement set by the Home Office.

3. ONCE A GOVERNING BODY ENDORSEMENT HAS BEEN GRANTED

3.1. Length of issue

Governing Body Endorsements should be issued for a period appropriate to the tier under which the application is being made, that is:

	Tier 2 (Sportsperson)	Tier 5 (Temporary Worker - Creative and Sporting)
Initial Application	The shorter of: <ul style="list-style-type: none"> three (3) years; OR the length of the player's contract. 	The shorter of: <ul style="list-style-type: none"> twelve (12) months; OR the length of the player's contract
Extension	The shorter of: <ul style="list-style-type: none"> three (3) years; OR the length of the player's contract. 	If the initial application was granted for less than twelve (12) months, an in country extension can be granted to top up the period to twelve (12) months in total. For example, a player granted a six (6) month approval can apply for an extension in country of up to another six (6) months. If a club wishes to employ a player for a period of longer than twelve (12) months, the player has to return overseas to make a new application and obtain entry clearance for a further twelve (12) month period under Tier 5.

3.2. Extension applications

If an applicant club wishes to retain the services of a player beyond the period of her GBE, they should submit a new application before the work permit or Certificate of Sponsorship expires. If the automatic criteria at paragraph 2.1 are satisfied, a GBE will be issued.

Where the player does not satisfy the automatic criteria, The FA, the Women's Super League or the Women's Championship, as appropriate, and the PFA will consider all written evidence put forward by the applicant club and mutually determine whether a GBE should nevertheless be granted.

3.3. Tier 5 to Tier 2 switching

A player can enter under Tier 5, without the need to demonstrate the competency in English required under Tier 2, and then apply in country (provided this is within the first 12 months) to switch to Tier 2 once she has passed the English language test. To do this, the club will need to submit a new application for a GBE so that a new Certificate of Sponsorship under Tier 2 can be assigned by the club.

If the player has been unable to meet the English language requirement within the first 12 months, she will need to return home and obtain entry clearance for a further 12 month period under Tier 5.

If the automatic criteria at paragraph 2.1 are satisfied at the time at which the application to switch is made, a GBE will be granted. Where the player does not satisfy the automatic criteria, the applicant club may request an Exceptions Panel in accordance with 2.3 above.

3.4. Change of club

A club wishing to sign a player from another Women's Super League or Women's Championship club must submit a new application for a GBE to The FA. If the automatic criteria at paragraph 2.1 are satisfied, a GBE will be issued for a maximum of three years in respect of her employment with the new club.

Where the player does not satisfy the automatic criteria, The FA and the Women's Super League or the Women's Championship, as appropriate, will consider all written evidence put forward by the applicant club and mutually determine whether a GBE should nevertheless be granted. In the event that they are unable to determine or the application, or reject the application, the applicant club may request that the application be considered by an Exceptions Panel in accordance with paragraph 2.3.

3.5. Temporary transfer of registration (loans)

For the purpose of a Governing Body Endorsement, loans are defined as temporary transfers which do not extend beyond the end of the season in which the registration is temporarily transferred. Loans are only permissible within the player's current period of approval and should not be used to avoid making extension or change of employment applications.

3.5.1. Temporary transfer to another club

If a player on a Certificate of Sponsorship is moving to another club (whether within England or abroad) on a loan basis, her parent club must notify the Home Office of the temporary transfer and change of location. This should be done via the Sponsor

Management System for players with approval under the Points Based System or by Notification of a Technical Change of Employment for players currently registered under a work permit.

Where the loan is to a club within England, there is no requirement for the loanee club to submit a new application to The FA. The loaning club retains overall responsibility for the player as her employer and Sponsor and she is granted permission to move temporarily under the provisions of her current leave, provided that the Certificate of Sponsorship issued by the loaning club is valid for the duration of the loan period.

Where the loan is to a club within another Association, the player will have to satisfy that country's immigration requirements.

When the player returns to her parent club after the loan period, she does not need to be assessed again against the entry criteria and may simply resume her employment with her original club (providing her existing Governing Body Endorsement remains valid beyond the date of her return) on the basis that she has an existing Certificate of Sponsorship and has already met the entry requirements at the beginning of her employment with that club.

3.5.2. Making a temporary transfer permanent

Where the temporary transfer is to another club within England, if the loan is later made permanent, the new club will, at this time, have to make a fresh application on behalf of the player. Clubs should note that the new application for a GBE and Certificate of Sponsorship must be fully completed before the player can play as a permanent employee of the new club.

3.6. Contract changes or re-negotiation during the period of approval

Where a club wishes to re-negotiate a player's contract to improve her conditions and/or salary or length of contract part-way through their approved period, the club should notify the Home Office of this by reporting the change through the Sponsor Management System.

3.7. Trials arrangements

GBEs will **not** be issued to clubs for the purpose of having players to trial for them. Clubs may wish to contact UKVI on 0300 123 7000 for further information should they wish to consider taking a non-European Economic Area (EEA) player on trial.

3.8. Ceasing the employment of players

If a club prematurely ceases to employ a player who has a Certificate of Sponsorship, the club must inform the Home Office.

4. FEES

Where the GBE meets the automatic criteria, no fee will be payable. The cost of an application that is referred to a panel will be up to £5,000, including VAT, to cover the fees and travel of the independent experts. The costs of the representatives of the FA and WSL will be met by each organisation. Each club will meet its own costs of appeal. The cost of an application that goes to appeal will be dependent on the location and number of appeals.

5. STATUS OF GUIDANCE

This guidance should be used in conjunction with the relevant advice issued by the Home Office. The FA is not registered to give advice on immigration routes or processes or to advise on an individual's immigration status. Information on aspects of immigration policy and law can be found on the Home Office website at <https://www.gov.uk/government/organisations/home-office> or you may wish to seek advice from an OISC registered advisor or someone who is otherwise exempt from such a registration requirement, for example, a qualified solicitor.

Clubs are advised to allow sufficient time for entry clearance to be granted. The time taken may vary depending upon where the player is making her application. Service standards for each post are set out on the Home Office website at: <https://www.gov.uk/government/organisations/home-office> Please note that an individual's personal and immigration history may be taken into account when their application is being considered.

6. FURTHER INFORMATION

This guidance is available on the FA website, at the following link:
<http://www.thefa.com/football-rules-governance/more/player-registration>

7. CONTACTS

For any queries regarding these criteria or to discuss the application process for football, please contact:

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8. HOME OFFICE HELP

If you are an employer or Sponsor and have a general query about the Sponsor application process or for specific enquiries regarding individual applications or about the migrant application process, please visit the Home Office website for contact information:
<https://www.gov.uk/government/organisations/uk-visas-and-immigration>.

